

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	28.06.2024		<p>WPMS No.1226 of 2024</p> <p><u>Hon'ble Vivek Bharti Sharma, J.</u></p> <p>Present Mr. Lokendra Dobhal, learned counsel for the petitioner.</p> <p>2. Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State.</p> <p>3. By means of this writ petition, petitioner seeks the following relief:-</p> <p>(i) Issue a writ, order or direction in the nature of certiorari quashing the notice dated 14/09/2018 issued by respondent no.2 (<u>Annexure No.1</u>), ex-parte judgment and order dated 23/01/2023 passed by Respondent no.2 against the Petitioner (<u>Annexure No.4</u>), order dated 14/6/2023 passed by District Judge, Tehri Garhwal (<u>Annexure No.5</u>).</p> <p>(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents not to evict petitioner from the land/house in Khatuni Khata No.1/100, Khasra no.8, Area 12.472 hec., situated at Village Sankuron, Patti Chauras, Tehsil Kirti Nagar, District Tehri Garhwal, Uttarakhand.</p> <p>4. Eviction proceedings were initiated against the petitioner under provisions of U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972 by issuing a notice u/s 4(1) of the Act. Said notice was duly served upon the petitioner against which petitioner did file a reply, however, he did not participate in the proceedings before Prescribed Authority after filing reply. Learned Prescribed Authority ordered for petitioner's eviction from the land in question by holding that he is in unauthorised occupation of public premises.</p> <p>5. Being aggrieved, petitioner filed an appeal, which too has been dismissed by the District Judge, Tehri Garhwal.</p> <p>6. Learned Prescribed Authority has dealt with</p>

		<p>the said defence and held that since petitioner does not have title over the land in question, therefore, he cannot claim any right, merely on the basis of long possession. This order of learned Prescribed Authority has been affirmed by the learned Appellate Authority.</p> <p>7. This Court does not find any reason to interfere with the judgment and order passed by learned Prescribed Authority as well as Appellate Authority.</p> <p>8. At this stage, learned counsel for the petitioner would submit that in identical matters, two different Coordinate Benches of this Court, vide orders dated 24.09.2022 and 08.12.2023 passed in WPMS No.2356 of 2022 and WPMS No.3145 of 2023, have granted permission to the similarly situated persons to make application/representation before the Competent Authority and the Competent Authority, in turn, was directed to take decision on said application within three months thereafter.</p> <p>9. Learned counsel would pray that similar order be passed in the present petition also. He confines his prayer to the above extent only.</p> <p>10. Learned Standing Counsel would submit that he has no objection to the same.</p> <p>11. In view of the above, without expressing any opinion on petitioner's claim for regularisation, writ petition is disposed of by permitting the petitioner to make application for regularisation of his unauthorised occupation, if permissible in any Government Policy, within 15 days from today. If such application is made within the stipulated time, decision thereupon shall be taken within two months thereafter.</p> <p>12. For a period of two months or till decision on petitioner's application, whichever is earlier, petitioner shall not be dispossessed from the land in question. However, if the application of the petitioner is rejected, petitioner will vacate the property in dispute.</p> <p style="text-align: right;">(Vivek Bharti Sharma, J.) 28.06.2024</p> <p>ss</p>
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